

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7245

BILL NUMBER: HB 1632

DATE PREPARED: Dec 28, 2000

BILL AMENDED:

SUBJECT: Battery by Body Waste.

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FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Blood Samples*- This bill allows a law enforcement officer to take a blood sample from a person without the person's consent and without obtaining a search warrant if the law enforcement officer has probable cause to believe that a person has committed battery by body waste and: (1) the law enforcement officer has probable cause to believe that the current state of the person's blood will constitute evidence to determine if the person was infected with hepatitis B, hepatitis C, HIV, or tuberculosis at the time the person committed the offense; (2) the law enforcement officer reasonably believes that an emergency exists in which the time that would be necessary to obtain a search warrant would threaten the loss, alteration, or destruction of the evidence; and (3) the procedures used to extract the blood sample are reasonable and in accordance with accepted medical practices.

Class D to Class C and B Felonies- The bill makes the offense of battery by body waste: (1) a Class C felony instead of a Class D felony if the person who committed the offense knew or recklessly failed to know that the person was infected with hepatitis C; and (2) a Class B felony instead of a Class D felony if the person who committed the offense knew or recklessly failed to know that the person was infected with hepatitis C and the offense results in the transmission of hepatitis C to another person.

Effective Date: July 1, 2001.

Explanation of State Expenditures: *Class D to Class C and B Felonies*- This bill provides for enhanced penalties for battery by body waste. State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time than normally served. The felonies involved and imprisonment terms and service are as follows:

1) a Class D felony is punishable by a prison term ranging from six months to three years or reduction to a Class A misdemeanor, depending upon mitigating and aggravating circumstances (average time served: seven months);

2) a Class C felony is punishable by a prison term ranging from two to eight years (average time served: approximately two years);

3) a Class B felony is punishable by a prison term ranging from six to twenty years (average time served: approximately three years and six months).

The total prison term sentenced would depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: *Class D to Class C and B Felonies*- No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class D, C, or B felonies.

Explanation of Local Expenditures: *Blood Samples*- Large and medium-size county jails usually maintain a contractual provider for medical services. Smaller counties as well as cities and towns generally have arrangements with local hospitals for medical services. Depending upon the number of requests for blood withdrawal under the provisions of this bill, medical service costs would likely increase indeterminately.

Explanation of Local Revenues: *Class D to Class C and B Felonies*- No additional revenues would be expected since the court fees for Class D, C, and B felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.